

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116

Serial Number: 09/518,664

Filing Date: March 3, 2000

Title: APPARATUS AND METHOD FOR AUTOMATICALLY AUTHENTICATING A NETWORK CLIENT

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Dkt: 1565.027US1

REMARKS

Claims 1, 9, and 15 are amended; as a result claims 1-20 are pending in the present Application.

Applicant responded to the February 23, 2004 Final Office Action within the two months for receiving an Advisory Action with a Response filed on April 23, 2004. Having not received an Advisory, Applicant contacted the Examiner on August 20, 2004, since the six-month statutory period was set to expire on August 23, 2004. Apparently, the Office had lost and not reviewed Applicant's April 23, 2004 Response to Final. At the request of the Examiner, Applicant forwarded the Response to the Examiner, along with the Office stamped returned postcard receipt indicating the Response to Final was received by the Office.

On August 20, 2004 and again on August 23, 2004 the Examiner called Applicant and informed Applicant that an Advisory would be issued denying the claims on August 23, 2004, the six-month statutory period. Applicant was verbally informed that in general the reason for maintaining the rejection is the Examiner's continued interpretation of the phrase "common key" as being either a private or public key within the meaning of conventional Public Key Infrastructure (PKI).

Applicant has not had the benefit of reviewing that Advisory before filing this Request for Continued Examination; however, Applicant has amended the independent claims to now limit the common key to a shared and same key. Applicant asserts that this is not a public or private key as these keys are understood in the security arts. More specifically, the Examiner's attention is directed to the link:

http://www.webopedia.com/TERM/S/symmetric_key_cryptography.html,

where Webopedia clearly illustrates for the Examiner's review that symmetric keys are an entirely different approach than conventional PKI, where 2 keys each being different are used for encryption and decryption. Thus, Applicant continues to assert that a private or public key cannot be a common key, such an interpretation runs contrary to how these terms are used in the industry and the Examiner cannot interpret terms and phrases so broadly that they run contrary to how they are generally understood and used in the art.

However, in the interest of expediting review the Applicant has amended the independent claims 1, 9, and 15, such that a common key is now positively recited as a shared and same key.

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Thus, Applicant believes that claims are now in condition for allowance and respectfully requests an indication of the same.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

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I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Peter Rebuffoni
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08-23-04
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